

Issue Docket

Conference Committee on Senate Bill 1

2022-23 General Appropriations Bill

Article VI - Natural Resources

As of May 19, 2021

551 DEPARTMENT OF AGRICULTURE

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	VI-1	VI-1		
Number of Full-Time-Equivalents (FTEs)	698.2	699.2		Senate provides 1.0 FTEs for CAPPS Implementation. House provides 2.0 FTEs for the same purpose.
B.1.1 PLANT HEALTH AND SEED QUALITY	\$ 10,293,486	\$ 9,793,486	\$ 500,000	Senate provides \$500,000 in General Revenue contingent on enactment of legislation relating to development of an early detection and mitigation program of plant pests and diseases by the agency. See Senate Rider 25, Contingency for HB 2089.
B.2.1 REGULATE PESTICIDE USE	\$ 25,972,709	\$ 25,472,709	\$ 500,000	House decreases the strategy by \$500,000 in General Revenue.
D.1.2 INFORMATION RESOURCES	\$ 13,186,962	\$ 7,161,962	\$ 6,025,000	
			HOUSE	a. Senate provides \$6,200,000 in General Revenue to consolidate and modernize the agency's core business applications.
			ADOPT SENATE Amounts in HB 2 with GR and FTEs in CSSB 1	b. Senate provides \$175,000 in General Revenue for CAPPS Implementation with 1.0 FTE. House provides \$350,000 in General Revenue funding for the same purpose with 2.0 FTEs.
	\$ 6,811,962			
Texas Agricultural Fund	VI-5, Rider #5 Rider Packet, page VI-1	VI-5, Rider #5 Rider Packet, page VI-1		House rider provides estimated appropriation authority for all bond proceeds (Other Funds) to the Texas Agricultural Finance Authority for the payment of principle and interest payments.
Appropriations Limited to Revenue Collections: Cost Recovery Programs	VI-8, Rider #20 Rider Packet, page VI-1	VI-8, Rider #20 Rider Packet, page VI-1		Senate rider authorizes cost recovery revenues collected in the first year of the biennium that exceed cost recovery requirements to count towards the cost recovery requirements in the second year of the biennium.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Appropriation Restriction on Feral Hog Abatement Using Toxic Substances	VI-10, Rider #21 Rider Packet, page VI-4		SENATE AS AMENDED to change the bill number to HB 2089.	Senate rider prohibits the agency from using its appropriations for the implementation of warfarin on feral hogs.
Contingency for SB__	VI-10, Rider #25 Rider Packet, page VI-5			Senate rider requires the agency to use \$250,000 each fiscal year in General Revenue for the agency to develop an early detection and mitigation program of plant pests and diseases contingent upon the enactment of unidentified legislation.
Plant Disease		VI-10, Rider #25 Rider Packet, page VI-5		House rider requires the agency to provide a report no later than December 1st every other year to the Legislature on plant disease strategies employed by the agency that identifies the most likely pathways for new pests and diseases to affect Texas agriculture, what diseases represent the greatest threat to agriculture, and what efforts are being used to address these diseases using existing appropriations.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Feral Hog Abatement Contingency		VI-10, Rider #26 Rider Packet, page VI-5		<p>House rider deletes former House Rider 21, Appropriation Restriction on Feral Hog Abatement Using Toxic Substances, and reduces General Revenue appropriations for the Trusteed Programs within the Office of the Governor by \$250,000 each fiscal year in Strategy C.1.1, Create Jobs and Promote Texas contingent on the following:</p> <ol style="list-style-type: none"> 1. The agency issuing guidelines concerning warfarin use that prohibits its application within one mile of a river, 2. That product application is restricted to only licensed applicators, 3. That product applicators report bait location and outcome results to the Texas A&M AgriLife Extension Service, 4. The agency communicates to applicators that they may lose their license if they do not comply with warfarin use guidelines established by the agency, and 5. The agency communicates that a landowner failing to comply with these guidelines may not participate in the warfarin program. <p>Note: House includes a related rider in the bill pattern for Texas A&M AgriLife Extension Service which provides \$250,000 each fiscal year in General Revenue for the experimental use program contingent the Department of Agriculture implementing the items listed above.</p>
Study on Increasing Food Stores in Food Deserts		VI-11, Rider #27 Rider Packet, page VI-6		House rider requires the agency to conduct a study on how to increase the number of grocery stores in locations that lack these stores out of existing agency appropriations and provide a report of the findings with recommendations to the Legislature by January 1, 2023.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Appropriation Restriction on Feral Hog Abatement Using Certain Substances		VI-11, Rider #28 Rider Packet, page VI-6	HOUSE AS AMENDED to expand the conditions under which warfarin can be used to include licensed pesticide applicators complying with guidelines for participation in the Texas A&M AgriLife Extension service experimental use program.	House rider prohibits the agency from spending appropriations for the implementation of warfarin on feral hogs except to register a pesticide product containing warfarin for use in the state to control feral hogs only if that product registration is limited for use by pesticide applicators participating in an experimental use program conducted by Texas A&M AgriLife Extension Service and the product is registered with the Environmental Protection Agency. House rider would also allow the agency to determine that use of a pesticide product containing warfarin is safe and effective based on data from the preliminary or final results from the experimental use program conducted by the Texas A&M AgriLife Extension Service and remove the prohibition to allow the agency to spend appropriations for the implementation of warfarin on feral hogs after the earlier of: 1. two years following the date a pesticide product is registered for limited use by the agency for an experimental use program conducted by the Texas A&M AgriLife Extension Service; or 2. The date on which the Texas A&M AgriLife Extension Service delivers a report advising the agency regarding the registration of a pesticide product evaluated under the experimental use program.
Conference Committee Revisions and Additions School Lunch Program			ADOPT	Conference Committee adds a rider to prevent the agency from amending administrative rules for the School Lunch Program for specific purpose to safeguard the nutritional value of meals.
Travel Expenses of the Commissioner			ADOPT	Conference Committee adds a rider to limit the agency from spending more than \$2,500 each fiscal year for either payment or reimbursement of expenses related to travel for the Commissioner of Agriculture.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Hemp Program Reporting			ADOPT	Conference Committee adds a rider requiring the Hemp Program to provide a quarterly report to the Legislative Budget Board, the Senate Finance Committee, and the House Appropriations Committee with contents outlined in the rider.

554 ANIMAL HEALTH COMMISSION

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	VI-10	VI-11		
Cross-Strategy Issue			SENATE	1) Maintain 2020-21 Appropriation Levels Senate provides \$1,374,370 in General Revenue for 7.2 FTEs and operating expenses to continue agency funding at 2020-21 appropriated levels.
Number of Full-Time-Equivalents (FTEs)	219.2	212.0		See Cross-Strategy Issue.
Schedule of Exempt Positions	155,814	155,814	SENATE	Senate adds the Executive Director position to Article IX, §3.04(c)(6), Schedule of Exempt Positions, and increases the exempt position to Group 6. House provides Group 5.
A.1.1 FIELD OPERATIONS	\$ 22,463,894	\$ 20,612,962	\$ 1,850,932 SENATE ADOPT SENATE Amounts in HB 2 with GR HOUSE HOUSE	a. See Cross-Strategy Issue. b. Senate provides \$1,400,000 in General Revenue to purchase 28 vehicles. House provides the same amount from the Economic Stabilization Fund for the same purpose in CSHB 2. c. House provides \$100,000 in General Revenue for anticipated lease increases for the Rockdale Region office in fiscal year 2023. d. House provides \$50,000 in General Revenue for facility improvements including wiring, phone and internet for the Rockdale Region office.
	\$ 21,213,894			
A.1.3 PROMOTE COMPLIANCE	\$ 1,939,152	\$ 1,165,714	\$ 773,438	See Cross-Strategy Issue.
B.1.1 CENTRAL ADMINISTRATION	\$ 3,738,559	\$ 3,731,372	\$ 7,187	Senate provides \$7,187 in General Revenue for anticipated lease increases for the central office in Austin.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
B.1.2 INFORMATION RESOURCES	\$ 2,454,088	\$ 2,166,579	\$ 287,509	
			ADOPT SENATE Amounts in HB 2 with GR	Senate provides \$287,509 in General Revenue for on-going storage and maintenance costs for the Animal Health Tracking System, TexCore.

582 COMMISSION ON ENVIRONMENTAL QUALITY

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Cross-Strategy Issue	VI-13	VI-14		
			HOUSE	<p>1) Salary Increases For Certain Positions Senate provides \$1,636,271 in General Revenue–Dedicated funding for a 5 percent salary increase for Natural Resource Specialist positions. See Senate Rider 29, Natural Resource Specialist Salary Increase.</p> <p>House provides \$5,785,536 in General Revenue–Dedicated funding for targeted salary increases for Investigators, Enforcement Coordinators, Engineers, Permit Specialists, and Attorneys.</p>
			ADOPT SENATE Amounts in HB 2 with GR-D	<p>2) CAPPS Human Resources Senate provides \$1,051,964 in General Revenue–Dedicated funding for continued implementation of the CAPPS Human Resource module.</p> <p>House provides \$1,402,618 in General Revenue–Dedicated funding for the same purpose.</p>
A.1.1 AIR QUALITY ASSESSMENT AND PLANNING	\$ 80,571,193	\$ 80,781,107	\$ 209,914	See Cross-Strategy Issue 1.
A.1.2 WATER ASSESSMENT AND PLANNING	\$ 58,688,361	\$ 58,849,279	\$ 160,918	See Cross-Strategy Issue 1.
A.2.1 AIR QUALITY PERMITTING	\$ 32,303,740	\$ 33,011,530	\$ 707,790	See Cross-Strategy Issue 1.
A.2.2 WATER RESOURCE PERMITTING	\$ 27,619,589	\$ 27,969,848	\$ 350,259	See Cross-Strategy Issue 1.
A.2.3 WASTE MANAGEMENT AND PERMITTING	\$ 19,442,098	\$ 19,713,062	\$ 270,964	See Cross-Strategy Issue 1.
A.3.1 RADIOACTIVE MATERIALS MGMT	\$ 9,020,498	\$ 9,039,942	\$ 19,444	See Cross-Strategy Issue 1.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
B.1.1 SAFE DRINKING WATER	\$ 47,828,254	\$ 48,087,570	\$ 259,316	See Cross-Strategy Issue 1.
C.1.1 FIELD INSPECTIONS & COMPLAINTS	\$ 104,641,416	\$ 108,218,558	\$ 3,577,142	a. See Cross-Strategy Issue 1. b. Senate provides \$600,000 in General Revenue–Dedicated funding for emergency response activities. House provides \$1,600,000 in the same funding for the same purposes. c. House provides \$825,000 in General Revenue–Dedicated funding for the relocation of the Corpus Christi (Region 15) regional headquarters office. d. House provides \$400,000 in General Revenue–Dedicated funding for four optical gas imaging cameras.
C.1.2 ENFORCEMENT & COMPLIANCE SUPPORT	\$ 28,233,518	\$ 28,532,178	\$ 298,660	See Cross-Strategy Issue 1.
D.1.1 STORAGE TANK ADMIN & CLEANUP	\$ 33,478,715	\$ 33,604,501	\$ 125,786	See Cross-Strategy Issue 1.
D.1.2 HAZARDOUS MATERIALS CLEANUP	\$ 50,617,650	\$ 50,871,452	\$ 253,802	See Cross-Strategy Issue 1.
F.1.1 CENTRAL ADMINISTRATION	\$ 45,654,522	\$ 46,074,336	\$ 419,814	a. See Cross-Strategy Issue 1. b. See Cross-Strategy Issue 2.
	\$ 44,956,160		HOUSE ADOPT SENATE Amounts (\$838,632) in HB 2 with GR-D	

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
F.1.2 INFORMATION RESOURCES	\$ 58,560,123	\$ 54,541,951	\$ 4,018,172	
			ADOPT SENATE Amounts in HB 2 with GR-D	a. Senate provides \$4,089,282 in General Revenue—Dedicated funding for the Commissioner's Integrated Database. House provides \$4,089,282 in Economic Stabilization Funds in CSHB 2 for the same purpose.
			ADOPT SENATE Amounts (\$213,332) in HB 2 with GR-D	b. See Cross-Strategy Issue 2.
	\$ 54,257,509			
Litigation Expenses for the Rio Grande Compact Commission	VI-22, Rider #25 Rider Packet, page VI-8	VI-23, Rider #25 Rider Packet, page VI-8	HOUSE AS AMENDED to allow the LBB to withhold future expenditures if previous expenditures are determined to be inappropriate	Senate rider requires the agency to obtain prior written approval from the Legislative Budget Board before spending appropriations on litigation expenses for the Rio Grande Compact Commission in \$1,000,000 increments. House rider requires a quarterly status report of litigation expenses made for the same reason.
Natural Resource Specialist Salary Increase	VI-24, Rider #29 Rider Packet, page VI-9			Senate rider requires the agency to use \$1,636,271 in General Revenue—Dedicated funding for a five percent increase for Natural Resource Specialists.
Annual Texas Emissions Reduction Plan Program Report/TERP Annual Report	VI-24, Rider #30 Rider Packet, page VI-9	VI-24, Rider #29 Rider Packet, page VI-9		Senate and House riders both require the agency to produce an annual report on expenditures, number of projects, estimated pollution reductions, and cost-effectiveness of each TERP program funded through the TERP Trust Fund and deliver the report by December 1st of each year to the Legislative Budget Board and the Governor.
			HOUSE	a. Senate requires the report to be funded out of Strategy A.1.1, Air Quality Assessment and Planning. b. House requires the report to be completed in addition to other reporting requirements.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Conference Committee Revisions and Additions Contingency for HB 2708	\$3,000,000 in General Revenue-Dedicated Hazardous and Solid Waste Remediation Fee Account No. 550		ADOPT	Conference Committee adds funding in Strategy D.1.2, Hazardous Materials Cleanup, in fiscal year 2022 for environmental remediation of a closed battery recycling facility site with a rider making the appropriation contingent on the enactment of HB 2708.
Air Monitoring Staff	\$500,000 in General Revenue-Dedicated Clean Air Account No. 151		ADOPT	Conference Committee adds funding in Strategy A.1.1, Air Quality Assessment and Planning, and 4.0 FTEs each fiscal year with a rider expressing Legislative intent that the funding and FTEs be used to operate mobile air monitoring units in coastal regions.
Air Quality Planning	VI-19 Rider #7	VI-19 Rider #7	ADOPT	Conference Committee amends the rider to define "affected counties" with respect to a county's attainment status for the O3 National Ambient Air Quality Standards and identifies counties that would qualify for a grant from the identified appropriation.

535 LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT COMMISSION

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	VI-31	VI-31		
A.1.1 COMPACT ADMINISTRATION & OPERATIONS	\$ 913,130	\$ 840,828	\$ 72,302	
			ADOPT SENATE Amounts (\$26,676) in HB 2 with GR-D	a. Senate provides an increase of \$26,676 in General Revenue-Dedicated Account No. 5151, Texas Low Level Radioactive Waste Disposal Compact Commission Account, for CAPPs Financial implementation. House provides the same amount for the same purpose from Economic Stabilization Funds in CSHB 2.
			SENATE	b. Senate provides an increase of \$45,626 in General Revenue-Dedicated Account No. 5151, Texas Low Level Radioactive Waste Disposal Compact Commission Account for operations and maintenance costs and for costs associated with a Sunset review of the Commission.
	\$ 886,454			

802 PARKS AND WILDLIFE DEPARTMENT

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Technical Adjustments	VI-31	VI-32	ADOPT	1) Correct Performance Measure Targets a. Correct targets for the performance measure titled Number of Active TPWD-Approved Wildlife Management Plans with Private Landowners from 8,652 in fiscal year 2022 and 8,790 in fiscal year 2023 to 7,373 in fiscal year 2022 and 7,447 in fiscal year 2023. b. Correct targets for the performance measure titled Number of Active TPWD-Approved Management Agreements with Private Landowners from 7,373 in fiscal year 2022 and 7,447 in fiscal year 2023 to 8,652 in fiscal year 2022 and 8,790 in fiscal year 2023.
Cross-Strategy Issue			ADOPT	1) Allocation of Sporting Goods Sales Tax (SGST) a. Senate provides \$4,612,316 for vehicles and equipment House provides \$9,224,630 for the same purpose. b. Senate provides \$13,601,859 for local park grants House provides \$8,989,544 for the same purpose
			SENATE	
			ADOPT SENATE Amounts in HB 2 with GR-D and FTEs in CSSB 1	2) Ongoing CAPPs Financials Senate provides \$1,260,000, which includes \$680,400 from General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 (GR-D 9) and \$579,600 from General Revenue-Dedicated State Parks Account No. 64 (GR-D 64), and 7.5 FTEs to address impacts created on the agency's purchasing, accounts payable, and financial reporting functions. House provides \$1,680,000, which includes \$907,200 from GR-D 9 and \$772,800 from GR-D 64, and 10.0 FTEs for the same purpose.
Number of Full-Time-Equivalents (FTEs)	3,160.9	3,163.4		See Cross-Strategy Issue 2.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
B.1.1 STATE PARK OPERATIONS	\$ 181,987,106	\$ 186,599,424	\$ 4,612,318	See Cross-Strategy Issue 1.
B.1.2 PARKS MINOR REPAIR PROGRAM	\$ 14,191,605	\$ 14,191,603	\$ 2	See Cross-Strategy Issue 1.
B.2.1 LOCAL PARK GRANTS	\$ 38,725,996	\$ 35,577,225	\$ 3,148,771	See Cross-Strategy Issue 1.
B.2.2 BOATING ACCESS AND OTHER GRANTS	\$ 23,563,728	\$ 21,600,184	\$ 1,963,544	
			SENATE	a. Senate provides \$500,000 in General Revenue for the Texas State Aquarium Wildlife Rescue Center. See Rider 38, Texas State Aquarium Wildlife Rescue Center.
			SENATE	b. See Cross-Strategy Issue 1.
E.1.1 CENTRAL ADMINISTRATION	\$ 19,962,989	\$ 20,127,989	\$ 165,000	
	\$ 19,467,989		ADOPT SENATE Amounts in HB 2 with GR-D and FTEs in CSSB 1	See Cross-Strategy Issue 2.
E.1.2 INFORMATION RESOURCES	\$ 29,003,724	\$ 29,153,724	\$ 150,000	
	\$ 28,553,724		ADOPT SENATE Amounts in HB 2 with GR-D and FTEs in CSSB 1	See Cross-Strategy Issue 2.
E.1.3 OTHER SUPPORT SERVICES	\$ 9,854,808	\$ 9,959,808	\$ 105,000	
	\$ 9,539,808		ADOPT SENATE Amounts in HB 2 with GR-D and FTEs in CSSB 1	See Cross-Strategy Issue 2.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Appropriation: Unexpended Balance for Construction Projects	VI-36 Rider #4 Rider Packet, page VI-10	VI-36 Rider #4 Rider Packet, page VI-10		Senate rider includes General Revenue and General Revenue-Dedicated accounts in the list of methods of finance for which no notice is necessary for unexpended balance authority between biennia.
Appropriation: Fees Related to Oyster Mariculture	VI-44 Rider #36 Rider Packet, page VI-11	VI-45 Rider #36 Rider Packet, page VI-11		House rider provides unexpended balance authority between biennia for General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 revenue generated by the Oyster Mariculture program and adds language specifically authorizing use of funds for cleanup activities.
Texas State Aquarium Wildlife Rescue Center	VI-44 Rider #38 Rider Packet, page VI-11			Senate provides \$500,000 in General Revenue for the Texas State Aquarium Wildlife Rescue Center.
Study on Water Level at Falcon Lake		VI-45 Rider #38 Rider Packet, page VI-11		House rider directs the agency to collaborate with the Texas Commission on Environmental Quality to conduct a study to determine the optimum water level for Falcon Lake and to deliver a report to the Governor, Lieutenant Governor, and the Speaker of the House of Representatives by December 1, 2022.
Trail Study		VI-45 Rider #39 Rider Packet, page VI-12		House rider directs agency to work jointly with the Historical Commission and the Department of Transportation to conduct a study to determine the potential for historic, scenic, and/or recreational trails to be created in Texas; to identify potential partners to promote preservation efforts; and to deliver a report to the Legislative Budget Board by December 1, 2022.
Recreational Trails Program		VI-45 Rider #40 Rider Packet, page VI-12		House rider directs agency to provide \$2,000,000 in SGST for grants for the Recreational Trails Program.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Hueco Tanks State Park and Historic Site		VI-45 Rider #41 Rider Packet, page VI-12	MOVE TO ARTICLE IX	House rider directs agency to use \$5,000,000 in SGST for capital construction projects at Hueco Tanks State Park and Historic Site and provides unexpended balance authority for these funds within the biennium.
Wyer Aerial Tramway		VI-45 Rider #42 Rider Packet, page VI-12	MOVE TO ARTICLE IX	House rider directs agency to use \$5,000,000 in SGST for necessary construction on the Wyer Aerial Tramway and the related tramway system and provides unexpended balance authority for these funds within the biennium.
Conference Committee Revisions and Additions				
Sporting Goods Sales Tax	VI-38 Rider #14	VI-39 Rider #14	ADOPT	Conference Committee amends the rider to allow: a. Additional SGST revenue collected over appropriated amounts to be allocated to strategies and accounts as decided by the Legislative Budget Board in consultation with the agency.
			ADOPT	b. The agency's capital budget authority to increase by the amount of additional SGST revenue allocated as decided by the Legislative Budget Board and not count towards capital budget limitations in Article IX of the General Appropriations Act.
Battleship Texas	VI-44 Rider #34	VI-44 Rider #34	ADOPT	Conference Committee amends the rider to limit the project reporting requirement for the Battleship Texas to capital construction project appropriations made by Senate Bill 500, Eighty-sixth Legislature, Regular Session, 2019.
Appropriation: Managed Lands Deer Program (MLDP) Participation Fees	VI-44 Rider #35	VI-44 Rider #35	ADOPT	Conference Committee amends the rider to allow unobligated and unexpended balance authority between biennia for fee revenue collected in the Managed Lands Deer Program (MLDP) for the same purpose.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Capital Transportation			ADOPT in HB 2	<p>Conference Committee funds a portion of Capital Transportation in HB 2 and reduces appropriations in CSSB 1 accordingly:</p> <p>Reduce General Revenue by \$1,093,002 each fiscal year in Strategy C.1.1.</p> <p>Reduce General Revenue-Dedicated Game, Fish and and Water Safety Account No. 9 by \$6,529,735 in fiscal year 2022 and \$6,001,735 in fiscal year 2023 across Strategies A.1.1, A.1.2, A.2.1, A.2.2, A.2.3, C.1.1, C.2.2, and D.1.3.</p> <p>Reduce General Revenue-Dedicated State Parks Account No. 64 by \$70,722 each fiscal year across Strategies C.2.2. and D.1.3.</p>

455 RAILROAD COMMISSION

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
	VI-45	VI-46		
C.2.1 OIL&GAS WELL PLUGGING & REMEDIATION	\$ 65,517,730	\$ 114,251,047	\$ 48,733,317	House provides \$48,733,317 in General Revenue for oil and gas well plugging and site remediation.
Operational Stability Contingency	VI-49, Rider 13 Rider Packet, page VI-14	VI-50, Rider 13 Rider Packet, page VI-14	SENATE	Senate rider authorizes the direct transfer of General Revenue generated from the Gas Utility Pipeline Tax, not to exceed \$5.0 million per fiscal year, if General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 revenue is insufficient to support appropriations. House rider authorizes the direct transfer of General Revenue generated from the Gas Utility Pipeline Tax, not to exceed \$10.0 million per fiscal year for the same reasons.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Additional Funding Sources and Cash Flow Contingency		VI-51, Rider 14 Rider Packet, page VI-14	HOUSE AS AMENDED to require reimbursements on or before December 31 the following fiscal year.	House rider authorizes: a. The Legislative Budget Board and the Governor to direct sufficient amounts of General Revenue to the agency from appropriations made elsewhere in the General Appropriations Act if revenues deposited in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 are less than 90.0 percent of the amounts appropriated including Other Direct and Indirect Costs and General Revenue repayments. b. The agency to temporarily utilize up to \$25.0 million in General Revenue above its General Revenue appropriations for temporary cash flow needs contingent on the receipt of revenue in General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 within the same fiscal year to repay the General Revenue Fund. Transfers, repayments, and credits must be in accordance with procedures established by the Comptroller of Public Accounts.
Unexpended Balances Appropriation: Acquisition of Information Resources Technologies	VI-50, Rider 14 Rider Packet, page VI-14			Senate rider provides authority to allow the agency to carry forward any unobligated and unexpended balances remaining from its 2020-21 appropriations for capital budget items included in the Acquisition of Information Technologies category identified in its capital budget rider into fiscal year 2022 for the same purposes.
Study on the Oil and Gas Regulation and Cleanup Fund Revenue Streams		VI-51, Rider 15 Rider Packet, page VI-15		House rider requires the agency to conduct a review of the sources of revenue credited to General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155, including but not limited to well bonding, fine levels, and permit fees, on or before September 1, 2022, and report the information to the Legislative Budget Board with recommendations for statutory or regulatory changes necessary to assure that adequate revenue is collected.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Strategic Plan on Flaring Data		VI-51, Rider 16 Rider Packet, page VI-15	HOUSE AS AMENDED to remove reference to federal agency and allow agency to use data from TCEQ	House rider requires the agency to develop a strategic plan to evaluate the discrepancy between natural gas flaring data reported to the agency and satellite data collected by the National Centers for Environmental Information at the National Oceanic and Atmospheric Administration and to provide solutions to remedy the discrepancy.
Conference Committee Revisions and Additions				
Mainframe Transformation - Phase 2			ADOPT in HB 2	Conference Committee funds the Mainframe Transformation - Phase 2 project in HB 2 and reduces appropriations in CSSB 1 accordingly: Reduce General Revenue by \$2,304,000 each fiscal year across Strategies A.1.1 and C.1.1. Reduce General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 by \$11,810,274 in fiscal year 2022 and \$5,057,373 in fiscal year 2023 across Strategies A.1.1, C.1.1, and C.2.1.

592 SOIL AND WATER CONSERVATION BOARD

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Cross-Strategy Issue	VI-50	VI-51	SENATE	<p>1) Maintain 2020-21 Appropriations Senate provides an increase of \$2,091,252 in General Revenue to maintain funding at 2020-21 appropriated levels, which includes:</p> <p>a. \$948,962 for Flood Control Operation/ Maintenance grants.</p> <p>b. \$442,120 for 3.0 unfilled field positions and 0.6 of an engineering position (3.6 FTEs).</p> <p>c. \$250,000 for Water Quality Managements Plan cost-share incentives.</p> <p>d. \$115,920 for state-funded Nonpoint Source grants.</p> <p>e. \$107,250 for travel.</p> <p>f. \$90,000 to reimburse monthly internet service costs to participating Soil and Water Conservation Districts.</p> <p>g. \$87,000 for operating expenses to replace deferred life cycle technology/equipment.</p> <p>h. \$50,000 to reimburse annual financial reporting costs for twenty Soil and Water Conservation Districts each year.</p>
Number of Full-Time-Equivalents (FTEs)	73.6	70.0		See Cross-Strategy Issue.
A.1.1 PROGRAM MANAGEMENT & ASSISTANCE	\$ 12,185,646	\$ 11,978,646	\$ 207,000	See Cross-Strategy Issue.
A.2.1 FLOOD CONTROL DAM MAINTENANCE	\$ 26,189,951	\$ 25,126,989	\$ 1,062,962	See Cross-Strategy Issue.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
B.1.1 STATEWIDE MANAGEMENT PLAN	\$ 11,131,600	\$ 11,015,680	\$ 115,920	See Cross-Strategy Issue.
B.1.2 POLLUTION ABATEMENT PLAN	\$ 8,252,676	\$ 7,754,426	\$ 498,250	See Cross-Strategy Issue.
C.1.1 CARRIZO CANE ERADICATION	\$ 2,845,458	\$ 2,670,338	\$ 175,120	See Cross-Strategy Issue.
D.1.1 INDIRECT ADMINISTRATION	\$ 1,647,658	\$ 1,615,658	\$ 32,000	See Cross-Strategy Issue.

580 WATER DEVELOPMENT BOARD

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
Cross-Strategy Issue	VI-53	VI-54	ADOPT SENATE Amounts to HB 2 with GR	Vehicle Replacements Senate provides \$200,280 in General Revenue for vehicle replacements.
Number of Full-Time-Equivalents (FTEs)	401.1	401.1		
A.2.2 WATER RESOURCES PLANNING	\$ 17,406,160	\$ 16,306,020	\$ 1,100,140	
			SENATE	a. Senate provides \$1,000,000 in General Revenue for the Texas Produced Water Consortium contingent upon the enactment of legislation. See Rider 23, Contingency for SB 601.
			ADOPT SENATE Amounts (\$100,140) to HB 2 with GR	b. See Cross-Strategy Issue.
	\$ 17,306,020			
B.1.1 STATE & FEDERAL FIN ASSIST PROGRAM	\$ 31,184,714	\$ 31,084,574	\$ 100,140	
			ADOPT SENATE Amounts (\$100,140) to HB 2 with GR	See Cross-Strategy Issue.
C.1.1 EDAP DEBT SERVICE	\$ 53,099,106	\$ 55,686,606	\$ 2,587,500	House provides \$2,587,500 in General Revenue to provide for debt service for the issuance of approximately \$30,000,000 in new Economically Distressed Areas Program (EDAP) bonds.

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
D.1.2 INFORMATION RESOURCES	\$ 11,682,038	\$ 11,093,975	\$ 588,063	Senate provides \$588,063 in General Revenue and authority for 5.0 FTEs in fiscal year 2022 for implementation of CAPPS Financials, which is scheduled for fiscal year 2022.
			ADOPT SENATE Amounts in HB 2 with GR and FTEs in CSSB 1	House provides the same amount for the same purpose from Economic Stabilization Funds in CSHB 2.
Authorized Transfers and Appropriations: Water Assistance Fund	VI-56 Rider #4 Rider Packet, page VI-16			Senate amends the rider to add the contents of former Rider 24, Study of Aquifers and Brackish Groundwater, to Rider 4, which would allow the funds associated with Rider 4 to be transferred into the Water Assistance Fund No. 480.
				Senate also amends the rider to grant unexpended balance authority in Strategy A.2.1, Technical Assistance and Modeling, between biennia for limited purposes.
Study of Aquifers and Brackish Groundwater				Senate deletes the rider and adds its contents to Rider 4, Authorized Transfers and Appropriations: Water Assistance Fund, which would allow the funds associated with Rider 4 to be transferred into the Water Assistance Fund No. 480.
Contingency for SB 601	VI-59 Rider #23 Rider Packet, page VI-17			Senate rider makes \$1,000,000 in General Revenue appropriated in Strategy A.2.2, Water Resources Planning, for the Texas Produced Water Consortium, contingent on enactment of SB 601.
Val Verde County Groundwater Study		VI-61 Rider #25 Rider Packet, page VI-17		House rider provides legislative intent that the agency use an existing study regarding groundwater resources in Val Verde County to identify possible groundwater use planning strategies; authorizes the agency to adopt rules as necessary; and authorizes the agency, the Parks and Wildlife Department, or the board of a groundwater conservation district to develop guidelines or standards for groundwater use.

Article VI Agencies with No Issues

Item	Senate 2022-23	House 2022-23	Biennial Difference	Explanation
General Land Office and Veterans' Land Board	VI-24	VI-24		

**Department of Agriculture
Proposed Rider Amendment
Contingency for SB 731**

Prepared by LBB Staff, 5/10/21

Overview

The proposed amendment would add the bill number to the text of the contingency rider.

Required Action

1) On page VI-10 of the Department of Agriculture bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, amend the following rider:

25. Contingency for SB 731. Out of amounts appropriated above and contingent on enactment of Senate Bill 731, or similar legislation, relating to development of an early detection and mitigation program of plant pests and diseases by the Texas Department of Agriculture, by the Eighty-seventh Legislature, Regular Session, the Texas Department of Agriculture is appropriated \$250,000 each fiscal year in General Revenue funding in Strategy B.1.1, Plant Health and Seed Quality, to implement the provisions of the legislation.

**Department of Agriculture
Proposed New Rider Amendment
Appropriation Restriction on Feral Hog Abatement Using Certain Pesticides**

Prepared by LBB Staff, 5/10/21

Overview

Add a new rider to restrict the appropriation for certain pesticides for the abatement of feral hogs except under certain specified conditions.

Required Action

1) On page VI-10 of the Department of Agriculture bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

___. Appropriation Restriction on Feral Hog Abatement Using Certain Pesticides.

- a. Except as provided by Subsections b and c of this rider, no funds appropriated to the Department of Agriculture in this Act may be used for the implementation of warfarin on feral hogs.
- b. The Department of Agriculture may use amounts appropriated by this Act to register a pesticide product containing warfarin for use in this state to control feral hogs only if:

(1) That registration is limited to use by pesticide applicators licensed by the department who are participating in an experimental use program conducted by the Texas A&M Agrilife Extension Service to evaluate the product's efficacy in this state; and

(2) The product is registered by the United States Environmental Protection Agency for use to control feral hogs.

(3) A property owner can participate in the A&M Agrilife Extension Service experimental use program by hiring a pesticide applicator licensed by the department and complying with A&M Agrilife Extension Service guidelines for participation in the experimental use program.

(4) A property owner with a pesticide applicator licensed by the department failing to comply with the A&M Agrilife Extension Service guidelines may be prohibited from participating in the program.

(5) A pesticide applicator may lose the pesticide applicator license issued by the department for failing to comply with A&M Agrilife Extension Service guidelines for participation in the experimental use program.

- c. If the department determines, based on available data including the preliminary or final results of the experimental use program described by Subsection b(1) of this rider, that the use of a pesticide product containing warfarin is safe and effective in assisting landholders in this state in their efforts to mitigate the economic harm and damage caused by feral hogs, then the limitations under Subsections a and b of this rider do not apply after the earlier of:

- (1) The second anniversary of the date a pesticide product is registered by the department for the limited use described by Subsection b(1) of this rider; or
- (2) The date the Texas A&M AgriLife Extension Service delivers a report advising the department regarding the registration of a pesticide product evaluated under the experimental use program.

**Department of Agriculture
Proposed New Rider Amendment
School Lunch Program**

Prepared by LBB Staff, 5/7/21

Overview

Add a new rider to prevent the Department of Agriculture from amending administrative rules for the School Lunch Program for specific purposes to safeguard the nutritional value of meals.

Required Action

1) On page VI-10 of the Department of Agriculture bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

____. **School Lunch Program.** To the extent allowed under law, it is the intent of the Legislature that amounts appropriated above to the Department of Agriculture may not be used for the purpose of amending administrative rules for the School Lunch Program in order to adopt a fixed meal plan for procurement instead of a cost reimbursement procurement process.

By _____

**Department of Agriculture
Proposed New Rider Amendment
Commissioner Travel Expenses**

Prepared by LBB Staff, 5/13/21

Overview

The proposed rider amendment would add a rider restricting the Department of Agriculture from expending funding for expenses related to travel for the Commissioner of Agriculture.

Required Action

- 1) On page VI-10 of the Department of Agriculture bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

____ **Travel Expenses of the Commissioner.** Notwithstanding any other provision of this Act, the Department of Agriculture may not expend more than \$2,500 each fiscal year for payment or reimbursement for expenses related to the travel of the Commissioner of Agriculture.

**Department of Agriculture
Proposed New Rider Amendment
Hemp Program Reporting**

Prepared by LBB Staff, 5/12/21

Overview

The proposed amendment would add a new rider requiring the Hemp Program to provide a quarterly report to the Legislative Budget Board, the Senate Finance Committee, and the House Appropriations Committee with contents outlined in the rider.

Required Action

1) On page VI-10 of the Department of Agriculture bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

____ **Hemp Program Reporting.** The Department of Agriculture shall provide a quarterly report on the Hemp Program to the Legislative Budget Board, the Senate Finance Committee, and the House Appropriations Committee. This report shall include:

- (a) Amounts expended for program administration including a breakout of the direct and indirect operational costs incurred by the Hemp Program during the previous fiscal year.
- (b) Summary results of all audit and oversight activities conducted by the agency or another state entity of the Hemp Program.
- (c) Narrative explanations of significant budget adjustments, ongoing budget issues, and other information as appropriate.
- (d) Cumulative number of registered independent testing laboratories.
- (e) The cumulative number of and summary results for all pre-harvest testing performed by registered independent testing laboratories.
- (f) The cumulative number of and summary results for all postharvest testing performed by registered independent testing laboratories.
- (g) The cumulative number of hemp grower's licenses and consumable hemp product manufacturer's licenses issued and the number of such licenses renewed.
- (h) Narrative explanations of any rules proposals or changes made with summary descriptions of why the rule change occurred.

**Texas Commission on Environmental Quality
Proposed Rider Amendment
Litigation Expenses for the Rio Grande Compact Commission**

Prepared by LBB Staff, 5/4/21

Overview

The proposed rider amendment requires the Texas Commission on Environmental Quality (TCEQ) to provide a quarterly report to the Legislative Budget Board (LBB) on the use of funds appropriated for litigation for the Rio Grande Compact Commission and provides the LBB with authority to withhold further expenditure of funds appropriated for these purposes if the LBB determines that previously expended funds were not used appropriately.

Required Action

1) On page VI-22 of the Texas Commission on Environmental Quality bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, amend the following rider:

25. Litigation Expenses for the Rio Grande Compact Commission

- a. In addition to amounts appropriated above, any unobligated and unexpended balances remaining from appropriations in Strategy E.1.4, Rio Grande River Compact as of August 31, 2021, are appropriated for the fiscal year beginning on September 1, 2021, (estimated to be \$0) in the same strategy for the purpose of covering expenses incurred by the Rio Grande Compact Commission relating to investigations and legal expenses resulting from litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande Compact.

- b. The Texas Commission on Environmental Quality shall report the use of funds appropriated for litigation expenses and the status of the litigation 30 days following each quarter of the fiscal year. Additional information requested by the Legislative Budget Board regarding the report submitted by the commission shall be provided in a timely manner. ~~Excluding \$199,996 each fiscal year for administrative costs and \$728,152 in fiscal year 2022 for litigation expenses, amounts referenced above, including any unobligated and unexpended balances, in subsection (a) may not be expended without the prior written approval of the Legislative Budget Board. The Texas Commission on Environmental Quality (TCEQ) may request to expend the funds in incremental funding amounts of \$1,000,000. The commission shall request the funds in a format prescribed by the Legislative Budget Board that provides information regarding the purposes and the projected impact of expenditures. A request submitted under this provision shall be considered to be approved unless the Legislative Budget Board issues a written disapproval within 30 business days after the date on which the staff of the Legislative Budget Board concludes its review of the request. Additional information requested by the Legislative Budget Board regarding a request submitted by the commission pursuant to this rider shall be provided in a timely manner. Notwithstanding any provision to the contrary, the Legislative Budget Board may suspend the approval of a request at any time pending the receipt of additional information requested of TCEQ.~~

- c. It is the intent of the legislature, to the extent permitted by federal and state law, that funds appropriated above in Strategy E.1.4, Rio Grande River Compact, be utilized to ensure that all costs related to the litigation between the State of Texas and the State of New Mexico over the equitable distribution of water according to the Rio Grande

Compact, estimated to be \$30,621,608, be recovered and deposited to the credit of the General Revenue Fund.

- d. The Legislative Budget Board may use prior approval authority as provided by Texas Constitution, Article 16, Section 69 and notify the Comptroller of Public Accounts to withhold further expenditure of funds appropriated to the agency for litigation expenses if a determination is made by the Legislative Budget Board that previous expenditure of these funds has been inappropriate.

**Commission on Environmental Quality
Proposed New Rider Amendment
Contingency for House Bill 2708**

Prepared by LBB Staff, 5/10/21

Overview

The proposed rider and funding would provide \$3.0 million in General Revenue—Dedicated Hazardous and Solid Waste Remediation Fee Account No. 550 funding in fiscal year 2022 for environmental remediation of a closed battery recycling facility site contingent on the enactment of legislation.

Required Action

- 1) On page VI-15 of the Commission on Environmental Quality bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add an additional \$3,000,000 in fiscal year 2022 in General Revenue—Dedicated Hazardous and Solid Waste Remediation Fee Account No. 550 funding in Strategy D.1.2, Hazardous Materials Cleanup.
- 2) On page VI-24 of the Commission on Environmental Quality bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

 —. **Contingency for HB 2708.** In addition to the amounts appropriated above and contingent on enactment of House Bill 2708, or similar legislation, relating to the use of certain fees deposited to the hazardous and solid waste remediation fee account for environmental remediation at a closed battery recycling facility site located in a municipality, by the Eighty-seventh Legislature, Regular Session, the Texas Commission on Environmental Quality is appropriated \$3,000,000 in General Revenue-Dedicated Hazardous and Solid Waste Remediation Fee Account No. 550 funding in Strategy D.1.2, Hazardous Materials Cleanup, in fiscal year 2022 to implement the provisions of the legislation. Any unexpended and unobligated balances remaining as of August 31, 2021 are appropriated in fiscal year 2023 to the Texas Commission on Environmental Quality for the same purpose.

Commission on Environmental Quality

Proposed Rider and Funding

Air Quality Monitors

Prepared by LBB Staff, 5/10/21

Overview

The proposed rider and funding would provide \$250,000 each fiscal year in General Revenue-Dedicated Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning with authority for an additional 4.0 FTEs to fully staff the agency's mobile air monitoring units in the bill pattern of the Commission on Environmental Quality.

Required Action

- 1) On page VI-14 of the Commission on Environmental Quality's bill pattern in House Bill 1, add an additional \$250,000 each fiscal year in General Revenue-Dedicated Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning.
- 2) On page VI-14 of the Commission on Environmental Quality's bill pattern in House Bill 1, increase the number of Full-Time-Equivalents from 2,788.8 in fiscal year 2022 to 2792.8 and from 2,798.3 to 2,802.3 in fiscal year 2023.
- 3) On page VI-24 of the Commission on Environmental Quality's bill pattern in SB 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

_____. **Air Monitoring Staff.** It is the intent of the Legislature that out of amounts appropriated above in Strategy A.1.1, Air Quality Assessment and Planning, \$250,000 each fiscal year in General Revenue—Dedicated Clean Air Account No. 151 shall be used to fund 4.0 FTEs included in the number of Full-Time-Equivalents above to operate the agency's mobile air monitoring units in coastal regions.

**Texas Commission on Environmental Quality
Proposed Rider Amendment
Air Quality Planning**

Prepared by LBB Staff, 5/10/21

Overview

The proposed rider amendment defines “affected counties” with respect to a county’s “attainment” status for the O₃ National Ambient Air Quality Standards and identifies counties that would qualify for a grant from the \$4.5 million identified.

Required Action

1) On page VI-19 of the Texas Commission on Environmental Quality bill pattern, in Senate Bill 1, as Passed 2nd House, Eighty-Seventh Legislature, amend the following rider:

7. Air Quality Planning.

Amounts appropriated above include \$4,500,000 for the biennium out of the Clean Air Account No. 151 in Strategy A.1.1, Air Quality Assessment and Planning, for air quality planning activities to reduce ozone in “affected counties” ~~areas~~ (as defined in Texas Health and Safety Code §386.001(2)) not designated as nonattainment areas for the O₃ National Ambient Air Quality Standards (NAAQS) as of September 1, 2020, during the 2018-19 biennium and other areas at significant risk of being designated nonattainment for the O₃ NAAQS in the future as approved by the Texas Commission on Environmental Quality (TCEQ). These activities may be carried out through interlocal agreements.

Expenditure of these funds are limited to: inventorying emissions, monitoring of pollution levels, and administration of the program. The TCEQ shall allocate a base amount of \$281,250 to each state planning region containing such areas and the remaining funds proportionally to each state planning region~~area~~ with a combined population of affected counties in excess of 350,000. Grants issued from appropriations identified in this rider should require that no more than 10 percent of the allocation be used for administrative purposes and prohibit the expenditure of the following: marketing and outreach activities, bicycle use programs, carpooling awareness, environmental awareness campaigns, and locally enforceable pollution reduction programs. The grant recipients shall channel the funds to those projects most useful for the State Implementation Plan (SIP).

For informational purposes, the affected counties that are not designated “nonattainment” for the O₃ NAAQS as of September 1, 2020, these areas may include Bastrop, Caldwell, Comal, El Paso, Gregg, Guadalupe, Hardin, Harrison, Hays, Henderson, Hood Hunt, Jefferson, Nueces, Orange, Rusk, San Patricio, Smith, Travis, Upshur, Williamson and Wilson Counties. but are not limited to, Waco, El Paso, Beaumont, Austin, Corpus Christi, Grandbury, Killeen, Temple, Longview, Tyler, Marshall, and Victoria and Atascosa, Bandera, Comal, Guadalupe, Kendall, Medina, and Wilson Counties. Additional “attainment/unclassifiable” areas may also be added by TCEQ to this grant program based on their status as being part of a core-based statistical area (CBSA) with O₃ design values in excess of 60 parts per billion (ppb).

**Park and Wildlife Department
Proposed Funding and Rider
Sporting Goods Sales Tax (SGST)**

Prepared by LBB Staff, 5/4/21

Overview

The proposed rider would allocate Sporting Goods Sales Tax (SGST) appropriations and allow for additional SGST revenue collected over appropriated amounts to be allocated to strategies and accounts as decided by the Legislative Budget Board in consultation with the agency.

Required Action

On page VI-38 of the Park and Wildlife Department’s bill pattern, in SB 1, as Passed 2nd House, Eighty-Seventh Legislature, amend the following rider:

14. Sporting Goods Sales Tax (SGST).

- (a) **Appropriations.** Amounts appropriated above to the Texas Parks and Wildlife (TPWD) include \$183,117,000 in fiscal year 2022 and \$193,347,000 in fiscal year 2023 (including End-of-Article Appropriations for Benefits, Transfers to ERS for Retiree Insurance, and Debt Service for Statewide Park Repairs) from limited sales, excise, and use tax revenue identified as Sporting Goods Sales Tax (SGST) as reflected below in Subsection (c) to comply with Article VIII, Section 7(d) of the Texas Constitution. This appropriation represents the statutory maximum allocation of SGST revenue to TPWD, pursuant to Tax Code, Section 151.801 (93.0 percent of the total SGST revenue), as calculated in the Comptroller of Public Accounts’ Biennial Revenue Estimate (BRE), net of appropriations made elsewhere in this Act for benefits and debt service.

If the Comptroller determines that the maximum allocation of SGST revenue available to TPWD for the 2022-23 biennium exceeds the amounts appropriated in this Act to TPWD and elsewhere for benefits and debt service, the difference is appropriated to TPWD. This appropriation of additional SGST revenue shall be allocated to the strategies and accounts that receive SGST revenue transfers ~~proportionally to the biennial allocation contained in this Act as reflected in Subsection (c)~~ by the Legislative Budget Board in consultation with TPWD based on a current assessment of needs, excluding totals for benefits and debt service.

Notwithstanding the capital budget provisions in Rider 2, Capital Budget, and Article IX, Section 14.03, to the extent any of the additional SGST is directed by the Legislative Budget Board for state and local park related capital budget purposes as a result of the allocation determined by the above process, TPWD’s capital budget authority is increased for these purposes and such increase shall not count towards the limitations imposed by capital budget provisions elsewhere in this Act.

- (b) **SGST Method of Financing Changes.** TPWD may request approval from the Legislative Budget Board to change SGST methods of financing provided in initial strategy appropriations above within the following accounts to which SGST may be transferred to: (1) State Parks Account No. 64, (2) Texas Recreation and Parks Account No. 467, (3) Parks and Wildlife Conservation and Capital Account No. 5004, and (4) Large County and Municipality Recreation and Parks Account No. 5150. This provision does not apply to initial SGST appropriations provided in strategies for capital budget projects included in TPWD’s Rider 2, Capital Budget. TPWD shall request approval for any changes from the Legislative Budget Board in a format prescribed by the Legislative Budget Board that provides information regarding the purposes and the projected impact of the changes and expenditures. A request submitted under this provision shall be considered to be approved unless the Legislative Budget Board issues a written disapproval within 30 business days after the date on which the staff of the Legislative Budget Board concludes its review of the request. Additional information requested by the Legislative Budget Board regarding a request submitted by TPWD pursuant to this rider shall be provided in a timely manner. Notwithstanding any provision to the contrary, the Legislative

Budget Board may suspend the approval of a request at any time pending the receipt of additional information requested of TTPWD.

(c) **Informational Listing - Allocation of SGST.** Amounts appropriated and allocated in this Act include all amounts authorized in Article VIII, Section 7(d) of the Texas Constitution and Tax Code, Section 151.801, estimated to be \$196,900,000 in fiscal year 2022 and \$207,900,000 in fiscal year 2023 in sales tax receipts deposited to the General Revenue Fund generated by sales of sporting goods items. These appropriations shall be allocated for the purposes specified, and the Comptroller shall make transfers, including for direct appropriations, benefits, debt, and any amounts necessary for estimated transfers to other agencies, as shown below.

Amounts for benefits, retiree insurance, and debt service are estimated. Amounts may be shifted between these categories as necessary to cover actual costs for these items.

Appropriations for debt service payments are made in accordance with the provisions of Art. IX, Sec. 17.08 of this Act, Use of the Sporting Goods Sales Tax Transfer to the General Revenue-Dedicated State Parks Account No. 64.

In the event that the sum of the actual costs for benefits, retiree insurance, and debt service exceeds SGST amounts available for these purposes, the additional amounts shall be funded from the available remaining balance of the State Parks Account No. 64.

For the Years Ending
August 31, 2022 August 31, 2023

Agency Bill Pattern Appropriations

Article I

Texas Historical Commission (THC)
General Revenue (Sporting Goods Sales Tax)

A.1.4, Historic Sites	<u>\$ 13,783,000</u>	<u>\$ 14,5353,000</u>
Subtotal	\$ 13,783,000	\$ 14,5353,000

Article VI

Texas Parks and Wildlife Department (TPWD)
SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64

B.1.1, State Park Operations	\$ 86,405,568	\$ 88,405,118
B.1.2, Parks Minor Repair Program	\$ 6,778,638	\$ 6,803,631
B.1.3, Parks Support	<u>\$ 6,266,923</u>	<u>\$ 6,516,867</u>
Subtotal	\$ 99,451,129	\$101,725,616

SGST Transfer to the Texas Recreation and Parks Account No. 467

B.2.1, Local Park Grants	\$10,351,329	\$10,365,936
B.2.2, Boating Access and Other Grants	<u>\$ 3,225,522</u>	<u>\$ 3,220,712</u>
Subtotal	\$13,576,851	\$13,586,648

SGST Transfer to the Large County and Municipality Recreation and Parks Account No. 5150

B.2.1, Local Park Grants	\$ 4,732,469	\$ 4,718,216
B.2.2, Boating Access and Other Grants	<u>\$ 654,249</u>	<u>\$ 654,249</u>
Subtotal	\$ 5,386,718	\$ 5,372,465

SGST Transfer to the Conservation and Capital Account No. 5004

D.1.1, Improvements and Major Repairs	\$22,569,166	\$30,237,834
D.1.1, Improvement and Major Repairs, Unexpended Balances*	\$17,980,056	\$ 0
D.1.2, Land Acquisition	<u>\$ 3,500,000</u>	<u>\$ 3,500,000</u>
Subtotal	\$44,049,222	\$33,737,834

End-of-Article Appropriations for Benefits, Estimated \$24,048,257 \$ 24,838,166

Transfers to ERS for Retiree Insurance,

Estimated	\$ 6,764,235	\$ 6,764,235
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Debt Service for Statewide Park Repairs, Estimated

SGST Transfer to the General Revenue-Dedicated State Parks Account No. 64

General Obligation Bond Debt Service Payments at the Texas Public Finance Authority	<u>\$ 7,820,644</u>	<u>\$ 7,322,036</u>
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Subtotal, Debt Service	\$ 7,820,644	\$ 7,322,036
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Subtotal, TPWD		
2022-23 SGST Allocations*	\$183,117,000	\$193,347,000

SGST Appropriated and Estimated TOTAL	\$196,900,000	\$207,900,000
*Excluding Unexpended Balances		

**Park and Wildlife Department
Proposed Rider
Battleship Texas**

Prepared by LBB Staff, 5/10/21

By: _____

Overview

The proposed rider would limit the project reporting requirement for the Battleship Texas to capital construction project appropriations made by Senate Bill 500, Eighty-sixth Legislature (2019).

Required Action

On page VI-44 of the Park and Wildlife Department's bill pattern, in SB 1, as Passed 2nd House, Eighty-Seventh Legislature, amend the following rider:

34. Battleship Texas. The Texas Parks and Wildlife Department (TPWD) shall submit semi-annual reports to the Legislative Budget Board, the Governor's Office, and the Comptroller of Public Accounts related to the Battleship Texas capital construction project funded by Sec. 69 (a)(1) of Senate Bill 500 (86th Legislature) until project completion. The report shall be provided no later than March 31st and September 30th of each fiscal year and in a manner prescribed by the Legislative Budget Board. The report shall include, at minimum:

- (a) a copy of the most recent draft or fully executed Memorandum of Understanding developed between the agency and the Battleship Texas Foundation;
- (b) expended amounts and performance indicators for activities related to the Battleship Texas project;
- (c) the method of finance of budgeted and expended amounts;
- (d) the object of expense of budgeted and expended amounts; and
- (e) a timeline for completion of the Battleship Texas project.

**Park and Wildlife Department
Proposed Rider
Managed Lands Deer Program**

Prepared by LBB Staff, 5/10/21

Overview

The proposed rider would authorize unobligated and unexpended appropriation authority between biennia for free revenue generated by the Managed Lands Deer Program (MLDP).

Required Action

On page VI-44 of the Park and Wildlife Department's bill pattern, in SB 1, as Passed 2nd House, Eighty-Seventh Legislature, amend the following rider:

35. Appropriation: Managed Lands Deer Program (MLDP) Participation Fees.

Amounts appropriated above to the Texas Parks and Wildlife Department (TPWD) out of the Game, Fish and Water Safety Account No. 9 in Strategy A.1.2, Technical Guidance, include any unobligated and unexpended balances of MLDP fees remaining as of August 31, 2021 (estimated to be \$243,000), and any receipts from MLDP participation fees pursuant to Chapter 43 of the Parks and Wildlife Code (estimated to be \$1,613,910 each year of the biennium) to be used exclusively for the operation of the MLDP, including associated salaries, operations, and capital items. Any unexpended balances remaining as of August 31, 2022, are appropriated for the same purpose in the fiscal year beginning September 1, 2022.

No later than September 15th of each fiscal year, TPWD shall submit a report to the Legislative Budget Board that details total revenues collected by the MLDP during the previous fiscal year.

**Railroad Commission
Proposed Rider**

Additional Funding Sources and Cash Flow Contingency

Prepared by LBB Staff, 05/4/21

Overview

The proposed rider would authorize the direct transfer of sufficient General Revenue Funds, not to exceed \$25.0 million per fiscal year, for cash flow needs in the event that General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155 revenue collections are less than 90.0 percent of the amounts in the General Appropriations Act.

Required Action

On page VI-50 of the Railroad Commission's bill pattern, in SB 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

_____. **Additional Funding Sources and Cash Flow Contingency.** In the event that revenues collected in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No.5155 for each fiscal year of the biennium are less than 90.0 percent of the amounts appropriated in this Act including other direct and indirect costs and repayment of the additional General Revenue, the Legislative Budget Board and the Governor may direct the transfer of sufficient amounts of General Revenue funds to the Railroad Commission from appropriations made elsewhere in this Act.

Contingent upon the receipt of revenue in the General Revenue-Dedicated Oil and Gas Regulation and Cleanup Account No. 5155, the Railroad Commission may temporarily utilize additional General Revenue funds, pending receipt of revenue, in an amount not to exceed \$25.0 million per fiscal year. The General Revenue amounts transferred above the General Revenue method of finance shall be utilized for the purpose of temporary cash flow needs. ~~These transfers and repayments shall be credited to the fiscal year being reimbursed and shall be in accordance with procedures established by the Comptroller of Public Accounts.~~ The transfer and reimbursement of funds shall be made under procedures established by the Comptroller of Public Accounts to ensure all borrowed funds are reimbursed to the Treasury on or before December 31 of the following fiscal year.

**Railroad Commission
Proposed Rider
Strategic Plan on Flaring Data**

Prepared by LBB Staff, 5/11/21

Overview

The proposed rider would require the agency to develop a strategic plan to evaluate natural gas flaring data reported to the agency and evaluate solutions to clarify discrepancies.

Required Action

On page VI-50 of the Railroad Commission’s bill pattern, in SB 1, as Passed 2nd House, Eighty-Seventh Legislature, add the following new rider:

- ____. **Strategic Plan on Flaring Data.** Out of funds appropriated above in Strategy D.1.1, Public Information and Services, the Railroad Commission shall develop a strategic plan to evaluate the ~~discrepancy in~~ natural gas flaring data reported to the commission and available data from the Commission on Environmental Quality, ~~compared to satellite data on natural gas flaring acquired from the National Centers for Environmental Information at the National Oceanic and Atmospheric Administration~~ and evaluate solutions to clarify the discrepancy in flaring data.